

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

GERALD JAY WILSON,
Plaintiff,

v.

J. CASTRO, et al.,
Defendants.

No. 1:24-cv-00542-KES-HBK (PC)

ORDER ADOPTING FINDINGS AND
RECOMMENDATIONS

Doc. 24

Plaintiff Gerald Jay Wilson is proceeding pro se and in forma pauperis in this civil rights action filed pursuant to 42 U.S.C. § 1983. Docs. 1, 15. This matter was referred to a United States magistrate judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On August 8, 2024, the assigned magistrate judge screened plaintiff's complaint; found that it stated no cognizable claims; and granted plaintiff the option to file an amended complaint, file a notice of his intent to stand on the complaint subject to a recommendation for dismissal, or voluntarily dismiss his complaint under Federal Rule of Civil Procedure 41. Doc. 21. On August 28, 2024, plaintiff filed a notice stating that he elects to stand on his complaint. Doc. 22.

On August 29, 2024, the magistrate judge issued findings and recommendations to dismiss plaintiff's complaint for failure to state a cognizable claim for relief. Doc. 24. Those findings and recommendations were served on plaintiff and contained notice that any objections thereto were to be filed within 14 days after service. *Id.* at 12. On September 18, 2024, plaintiff filed objections to the findings and recommendations. Doc. 25.

1 In accordance with the provisions of 28 U.S.C. § 636(b)(1), this Court has conducted a de
2 novo review of this case. After carefully reviewing the file, the Court concludes that the findings
3 and recommendations are supported by the record and proper analysis. Plaintiff's objections do
4 not meaningfully address the critical deficiencies in the complaint, including the fact that many
5 of his claims are time-barred and that his claims are misjoined. *See* Doc. 25. Nor do his
6 objections address his failure to provide a short and plain statement of his claims. *Id.* Rather,
7 plaintiff insists that his claims are not misjoined and asserts that at this stage it is not beyond
8 doubt that there is no set of facts plaintiff could plead that would entitle him to relief. *See*
9 *generally id.* Plaintiff requests that the Court reinstate his "original petition," transfer the case to
10 another magistrate judge, and grant him 45 days to file an amended complaint. *Id.* at 9. The
11 findings and recommendations correctly concluded that plaintiff's complaint suffers from
12 multiple serious pleading deficiencies that warrant dismissal without prejudice to plaintiff filing
13 an amended complaint, and the objections do not provide any reasoned basis to disregard those
14 findings. Nor has plaintiff established any basis to transfer this case to another magistrate judge.

15 Accordingly:

- 16 1. The findings and recommendations issued on August 29, 2024, Doc. 24, are
17 adopted in full; and
- 18 2. Plaintiff's complaint, Doc. 1, is dismissed for failure to state a claim, without
19 prejudice to plaintiff refiling an amended complaint as directed in the findings
20 and recommendations on those claims that are related and are not barred by the
21 statute of limitations.
- 22 3. Plaintiff must file any amended complaint within 45 days of the date of this
23 Order. If plaintiff fails to timely file an amended complaint, this matter will be
24 dismissed.

25
26 IT IS SO ORDERED.

27 Dated: August 6, 2025

28 
UNITED STATES DISTRICT JUDGE